

FROM THE *ABA JOURNAL*

Backlash follows lawyer's celebratory comments about how he won his case

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JUNE 7, 2022, 11:25 AM CDT

A medical malpractice lawyer who bragged about obtaining a defense verdict, even though a man “was probably negligently killed,” didn’t know that his remarks to colleagues would be recorded.

Now, lawyer Robert L. McKenna III is facing an online backlash after his law firm, Kjar, McKenna & Stockalper, with offices in El Segundo, California, and Huntington Beach, California, briefly posted his speech to its social media page, the Los Angeles Times reports. The video has been downloaded and reposted, including on the Instagram page Torthub.

Commenters were mostly critical. “Absolutely sickening,” wrote one person.

McKenna, a lawyer in Huntington Beach, California, had defended gastroenterologist Dr. Essam Quraishi, according to the Los Angeles Times. Quraishi was accused of inserting a feeding tube that pierced the colon of Enrique Garcia Sanchez, causing his eventual death while he was a patient at the University of California at Irvine Medical Center in Orange, California.

Sanchez was admitted to the hospital with alcohol-related pancreatitis. An X-ray wrongly showed that the tube was in its proper place, but lawyers for Sanchez’s family argued that Quraishi should have ordered a more detailed CT scan.

The Los Angeles Times published several of McKenna’s recorded remarks. The case involved “a guy that was probably negligently killed, but we kind of made it look like other people did it,” McKenna said. “And we actually had a death certificate that said he died the very way the plaintiff said he died and we had to say, ‘No, you really shouldn’t believe what that death certificate says or the coroner from the Orange County coroner’s office.’”

McKenna said the jury reached a verdict for the defense in 26 minutes, which is the fastest defense verdict he ever had. He then invited the partner who tried to case with him to ring a victory bell, and she obliged.

McKenna had told jurors that Sanchez “had a catastrophic injury that ate most of his pancreas,” and “that is not a survivable event.” He had argued that the case was part of America’s “personal-injury machine,” and jurors should disregard the death certificate, which blamed the death on sepsis and peritonitis because of the perforated colon.

McKenna told the Los Angeles Times that his remarks on the video were “ineloquent” and “imprecise,” and he understood why people outside the office might take offense. The remarks, intended as an internal briefing, used “shorthand phrases which might understandably cause confusion for a lay audience unfamiliar with the case at hand and the law in general,” he said.

“I have expressed my apologies to my client, opposing counsel and both the medical and legal communities,” McKenna said.

But his remarks shouldn’t call into question the jury verdict, he said.

The Los Angeles Times also spoke with Jorge Ledezma, the lead attorney representing the plaintiffs. Ledezma said he sees McKenna’s remarks as “the equivalent of Johnnie Cochran saying, ‘I know O.J. did it, but we got him off anyway.’”

“In my opinion, this is one of the reasons people tend to distrust and even hate lawyers,” Ledezma told the newspaper.

Ledezma plans to appeal based on what he views as McKenna’s “inflammatory closing argument” and legal errors at trial.